

REMARKS

Claims 1-5, 9 and 10 are pending in this application. By this Amendment, claims 1, 5, 9 and 10 are amended. Claims 1, 9 and 10 are amended to clarify the recited features. Claim 5 is amended to even further distinguish over the applied references. Support for the amendment to claim 5 can be found, for example, in paragraph [0095] of the specification. No new matter is added.

The Office Action (1) rejects claims 1, 3 and 9 under 35 U.S.C. §102(e) over Ahlgren et al. (Ahlgren), U.S. Patent No. 6,968,209; (2) rejects claim 2 under 35 U.S.C. §103(a) over Ahlgren in view of Duncombe et al. (Duncombe), U.S. Patent Application Publication No. 2003/0120685 A1; and (3) rejects claims 4, 5 and 10 under 35 U.S.C. §103(a) over Ahlgren in view of Rahn et al. (Rahn), U.S. Patent Application Publication No. 2002/0103008 A1. The rejections are respectfully traversed.

None of the applied references, either individually or in combination, discloses or suggests (1) sending only the extracted newly updated data as the backup data to the wearable computer after deleting the update time, as recited in independent claims 1, 9 and 10; and (2) an authenticating device that compares the first communication identifier code received with a communication identifier and permitting connection by a portable information terminal when these identifiers are identical to each other, and that the authenticating device does not permit connection by the portable information terminal when the first communication identifier code is not identical to the communication identifier, as recited in independent claim 5.

With respect to (1), the Office Action asserts that Ahlgren discloses a mobile phone 20 that includes a change log 210 corresponding to the claimed back-up data writing device (Fig. 2), and that the mobile phone 20 communicates with a computer 10 that includes a change log 200 corresponding to the claimed first storage device (see Fig. 2; col. 1, lines 44-

63). The Office Action further asserts that the change log 200 reads an update history and a backup history, compares a time of the last backup with a time of the latest update, searches for data newly updated since the last backup, and extracts the newly updated data (see col. 2, lines 10-31). The Office Action also asserts that the change log 200 implicitly deletes an update time from only the extracted newly updated data, and sends only the extracted newly updated data (as the backup data) to the mobile phone 20 (col. 2, lines 24-31).

Applicants respectfully disagree that Ahlgren implicitly (i.e., inherently) discloses that the change log 200 deletes an update time from only the extracted newly updated data, as recited in independent claims 1, 9 and 10. To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference (MPEP §2112 IV). Here, the Office Action alleges that because the change log 200 contains changed records and corresponding timestamps for records that are changed subsequent to the preceding synchronization (see col. 2, lines 10-18), the changed records and corresponding timestamps are inherently deleted from the change log 200 after the next synchronization. However, the Office Action has not provided a basis in fact or technical reasoning to reasonably support its assertion that the allegedly inherent characteristic (e.g., that the change log 200 deletes an update time from only the extracted newly updated data) necessarily follows from the teachings of Ahlgren. Thus, the Office Action has not met its burden of making clear that the change log 200 of Ahlgren necessarily deletes an update time from only the extracted newly updated data, as recited in independent claims 1, 9 and 10.

Moreover, even if the alleged inherent deletion of the timestamp occurs, a new time stamp is then written to the change log 200. Thus, the computer 10 sends the change log 200 that includes a timestamp, i.e., not sending only the extracted newly updated data, as recited in claims 1, 9 and 10. Further, independent claims 1, 9 and 10 are amended to clarify that the extracted newly updated data is sent after deleting the update time. Assuming that the alleged

inherent deletion of the timestamp occurs in Ahlgren, it would occur after the data is transmitted, or as stated in the Office Action, "after the next synchronization has occurred" (see page 4 of the Office Action), but not after deleting the update time, as recited in claims 1, 9 and 10. Thus, independent claims 1, 9 and 10 are patentable over Ahlgren. Further, with respect to claim 10, Rahn fails to overcome the deficiencies of Ahlgren. Because claims 2-4 incorporate the features of claim 1, these claims also are patentable.

With respect to (2), the Office Action asserts that Ahlgren discloses the claimed wearable computer (see above) and that Rahn discloses a storage 30 and memory 28 (allegedly corresponding to the claimed first storage device) that stores an encryption code (allegedly corresponding to the claimed predetermined communication identifier), and sends the encryption code to an authentication device (transceiver 45) for decryption (see Figs. 2B and 4; paragraphs [0033] to [0038]). The Office Action further asserts that the identity of the database records disclosed by Ahlgren (see col. 2, lines 10-31) corresponds to the claimed second communication identifier.

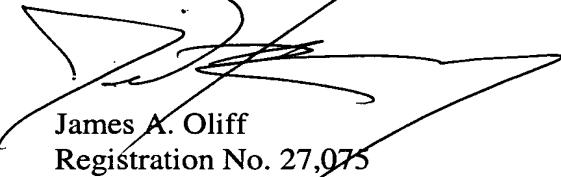
However, Ahlgren is silent as to permitting connection by a portable information terminal when these identifiers are identical to each other, and that the authenticating device does not permit connection by the portable information terminal when the first communication identifier code is not identical to the communication identifier, as recited in independent claim 5. Further, Ahlgren merely discloses sending the encryption code to an authentication device (transceiver 45) for decryption (see paragraphs [0033] to [0038]), but does not disclose or suggest an authenticating device that compares the first communication identifier code received with a communication identifier. Further, Rahn fails to overcome these deficiencies of Ahlgren. Thus, independent claim 5 is patentable over the combination of Ahlgren and Rahn for at least these reasons.

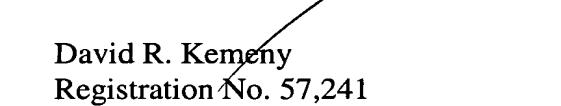
Thus, it is respectfully requested that the rejections be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-5, 9 and 10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075


David R. Kemeny
Registration No. 57,241

JAO:DRK/kxs

Attachment:

Request for Continued Examination

Date: March 16, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461